

REMARKS/ARGUMENT

Applicants' attorney greatly appreciates the telephonic interview with Examiner Khatri and his supervisor, Examiner David Sample, conducted on June 8, 2009. During the interview, the Amendment and Response was discussed in which Applicants' attorney focused on whether the Examiner's combination of references was proper under §103. The prior art of record was discussed, and Applicants' attorney pointed out that although the primary reference to Batigelli et al disclosed in general the use of insulation material, Batigelli et al did not disclose any of the parameters appearing in amended Claim 1, namely, that the alkalize/earth alkali relation of less than 1, the geometric fiber diameter of \leq to $4\mu\text{m}$, the gross density in the range of 8 to 25 kg/m³, and the binding agent comprising 4 % to 5.5 % by weight of the insulation material. Applicants' attorney also inquired as to whether evidence in the form of Affidavits would be helpful in overcoming the Examiner's combination of references. No agreement was reached on the claims

Claims 8 and 13 were objected to for misspellings. Claim 8 and 13 have been corrected.

Claims 6-9, 16, 17 and 19 were objected to under §112 as being indefinite. Each of these claims has been amended to address the Examiner's concerns. Therefore, this rejection under §112 should be withdrawn.

Claims 1-7, 10-14 and 17-19 were rejected under §103 as being unpatentable over Battigelli et al in view of Erskine, Bernard et al, Vignesoult et al with evidence from Trabbold et al.

Applicant respectfully traverses this rejection. The present invention relates to clamping felts or clamping sheets. The essential difference between insulation elements prepared and made as clamping felts and conventional insulation elements with the same density is that the structure of the clamping felt is stiffer. If the clamping felt is compressed, the restraining forces that are generated within the clamping felt are then decompressed upon installation such that there is no requirement to have additional fasteners when the clamping felt is placed between beams or other supports of a building. One example of a clamping felt is the U.S. Patent No. 4,866,905 as recognized by the Examiner. However, the '905 patent provides an example of the

prior art in which additional fastening is required to maintain the insulation in its mounted position.

It is also an object of the present invention to improve mineral fiber elements by providing a lower fire risk in which the binding agent content is reduced without affecting clamping behavior. This object is achieved by providing an insulation material element that features a fiber structure having an average geometric fiber diameter of \leq to $4\mu\text{m}$, a gross density in the range of 8 to 25 kg/m^3 , and a binding agent being 4% to 5.5% by weight of the insulation material. A combination of these features provides an invention that is not taught by the prior art. Even if it were known to provide each of the parameters separately, there is no disclosure in the prior art that each of these features should be combined as set forth in the present invention to produce the present invention.

With respect to independent Claim 1, Applicant generally traverses the Examiner's combination of the references. With respect to the Erskine reference, although the Erskine reference may generally disclose the use of a binder in order to increase the hardness of the material, there is clearly no motivation to combine the Erskine reference with Battigelli et al. Battigelli et al generally discloses a method for producing mineral wool, but is completely absent of any suggestion or teaching regarding a binder content, a need to adjust or modify a binder content, or even the existence of a binder content.

Furthermore, Battigelli et al is silent with regard to any disclosure of fibers having a particular diameter, or any reasons as to why the material should have any particular fiber diameters. Therefore, there is simply no motivation to combine the Bernard et al reference with Battigelli et al.

The present invention as found within independent Claim 1 is therefore is a non-obvious combination of elements in which the alkali/earth relation, the fiber diameter, the density, and the amount of the binding agent result in an insulation material in the form of a clamping felt in which there are high resetting forces such that the clamping felt has a more stable and stiff condition for ready installment between rafters of a building.

As stated in the Bihy et al reference, the prior art percentage for the content of the binding is above 6%, and the unique feature of the present invention results in allowing the

binding content to be reduced to the claimed range of about 4% to 5.5%, yet maintaining the sufficiently high resetting forces. The clamping felt of the present invention distinguishes itself by an outstanding resetting behavior that remains preserved after longer storage periods, and in which the clamping felt is capable of resetting to its nominal uncompressed thickness during installation.

The reduced binding agent content enables the clamping felt to therefore comply with higher fire resistance categories as set forth in Claim 6.

With respect to Claim 14, Applicant respectfully disagrees with the Examiner with respect to the prior art disclosing anything relating to insulation material being free of beads in which the bead portion is less than 1% of the material. Although the Battigelli et al reference recognizes the problems associated with the development of beads, Battigelli et al sets forth no parameters or limits as to what levels of beads are unacceptable. This limitation set forth in Claim 14 therefore is not trivial or otherwise inherently suggested by the prior art of record.

With respect to the Examiner's comment on the Trabbold et al reference, while the Trabbold et al reference may generally discuss materials having different densities, there is no logic set forth in Trabbold et al as to why materials should vary in density for any particular purpose, and clearly there is no disclosure in the Trabbold et al reference with respect to the claimed range in independent Claim 1 with respect to the density being in the range of 8 to 25 kg/m³.

In summary, independent Claim 1 contains a group of separate, novel and non-obvious parameters, which provides an optimum solution for clamping felts. The Examiner's aggregation of references, even if the aggregation is proper, does not disclose these discrete parameters as claimed. Therefore, this rejection should be withdrawn.

Claims 8 and 20 were rejected under §103 as being unpatentable over the references cited in the prior rejection, and further in view of Syme et al. Syme et al fails to cure the deficiencies in the other references. Therefore, this rejection under §103 should be withdrawn.

Claims 9 and 15 were rejected under §103 as being unpatentable over the prior cited references, and further in view of Bihy et al. As noted above, Bihy et al fails to cure the

deficiencies in the other references. Therefore, this rejection under §103 should also be withdrawn.

New independent Claim 21 has been added to further claim the invention. This new claim incorporates the limitations of Claim 1 in terms of the characteristics of the insulation material, but claims the insulation material within a system in which the insulation material is used within a building including beams. This new claim is allowable for the same reasons as set forth above with respect to independent Claim 1. Additionally, it is noted that Claim 21 requires the gross density in the range of 10 to 25 kg/m³ and the binding agent being 4.5 % to less than 5 % by weight. Erskine and Trabbold et al fail to disclose these ranges respectively. Furthermore, this claim is allowable since many of the references cited by the Examiner, although they may generally relate to insulation material, are not applicable to the field of clamping felts. Therefore, because of the very distinct fields in which some of the insulation materials are used as opposed to what is claimed, Claim 21 should also be allowed. There is simply no motivation to combine the very separate types of insulation materials for purposes of incorporating them within a system of insulation for building.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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